

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 10, 2013

SUBJECT: BZA Case **18634** - Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing one-family row dwelling at 4911 4th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 to enable the construction of a rear deck on a rowhouse in the R-3 zone:

- § 403 – Lot occupancy (60% permitted; 67.6% proposed) [initial filing was for 65%, but did not include open court areas];

After discussions with OP, on September 5, 2013 the applicant filed for additional relief for the plans that had been submitted with the initial application. OP recommends **approval** of the additional relief pursuant to § 223.

- § 406.1 – Open court [between deck and northern lot line] (≥ 6 feet required; 2.17 inches provided);
- § 2001.3- Addition [proposed deck] to an existing non-conforming structure.

II. BACKGROUND

Address	4911 4 th St., NW	Legal Description	Square 3303, Lot 40	Ward: 4 ANC: 4D
Owner	Mary E. Curtain	Authorized Agent:	James Noel of Noel Design Build	
Lot Characteristics:		Rectangular pre-1958 lot, with width and area less than required by existing zoning regulations, gently sloping to rear alley.		
Zoning:		R-3—"Designed essentially for row dwelling... (§ 320.1).		
Existing Development:		2-story pre-1958 brick row dwelling with as permitted in this zone.		
Adjacent Properties:		Essentially identical row dwellings.		
Neighborhood Character:		Blocks of similar row houses.		
Project Description:		Remove exterior stairway on south end of existing rear facade. Add 868 sf rear deck and, on its north side, a circular stair to the rear yard.		

Applicant's Property: Emerson Street, NW on south; 4th Street NW on west



III. ZONING REQUIREMENTS

R-5-B Zone	Regulation	Existing	Proposed*	Relief
Height (ft.) § 400	40 ft. max.; 3 stories	26 ft. 6.5 in.	same	None required
Lot Width (ft.) § 401	20 ft.	18 ft.	same	Existing nonconforming
Lot Area (sq.ft.) § 401	2,000 sf	1,530 sq.ft.	same	Existing nonconforming
Lot Occupancy § 403	60 % max; 70% max (§223)	57%	67.6%	Relief required
Rear Yard (ft.) § 404	20 ft. min.	25 ft.	20 ft.	None required
Existing Open Courts	6 ft. minimum	Two @ 1.1 ft.	Same	Existing nonconforming
New Open Court (ft.)	6 ft. minimum	2.5 ft. to south (to be eliminated)	2.17 ft. to north	Relief required
§ 2001.3 Enlargements or additions to nonconforming structures *Information provided by applicant. ** Calculation subsequent to initial filing.	a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and b) The addition or enlargement itself shall: (1) Conform to use and structure requirements; and (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.	57 % Residential Lot Occupancy Open Court	67.6% ** Residential Lot occupancy Open Court	None required Relief Required

IV. OP ANALYSIS

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 406.1 and 2001.3 because the proposed deck would create a new open court non-conformity and because the grandfathered property does not conform to the minimum lot area and width requirements of the R-3 zone.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected.*
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The adjacent properties have metal stairs from the kitchen door to the paved rear yards used for parking, and basement facades with garage doors and no windows. The proposed deck would not block light to existing windows, or unduly interfere with the existing uses of the adjacent properties. The applicant has submitted forms signed by both adjacent property owners indicating they have no objection to the proposed project.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The deck would not be visible from 4th Street, and only partially visible from Emerson Street. It would not be out of character with the alley or development along the block face.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided drawings, including a site plan and photographs, which sufficiently represent the relationship of the proposed addition to adjacent buildings and views from public ways.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 67.6%, which is less than the maximum of 70 % permitted in the R-3 District with a special exception.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP does not recommend any additional treatment for the protection of nearby properties.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The use would remain a conforming single family rowhouse.

V. COMMUNITY COMMENTS

As noted, the adjacent neighbors are in support of the project.

There is no letter from the ANC in the case file. The applicant has submitted a description of the attempts to present to the ANC and secure its support.